

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN MICHAEL VAIRA,

Defendant.

CR 13-75-BLG-SEH

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to Count II of the Indictment, which charges the crime of possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1).

After examining the Defendant under oath, the Court determined that the Defendant: (1) knowingly, intelligently, and voluntarily entered the guilty plea; and (2) fully understands his constitutional rights and the extent to which such rights are waived. The Court also determined that the offense charged and to which the Defendant entered a guilty plea contained each of its essential elements.

The Court further concludes that the Defendant had adequate time

to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. I recommend that the Defendant be adjudged guilty and that sentence be imposed. A presentence report has been ordered.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days after the filing of the Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 26th day of November, 2013.

/s/ Carolyn S. Ostby
United States Magistrate Judge